UNITED NATIONS

ECONOMIC AND SOCIAL COUNCIL

Distr.
GENERAL

E/CN.4/1986/29/Add.4
20 December 1985

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS
Forty-second session

IMPLEMENTATION OF THE INTERNATIONAL CONVENTION ON THE SUPPRESSION AND PUNISHMENT OF THE CRIME OF APARTHEID

Reports submitted by States parties under article VII of the Convention

Addendum

GABON

[Original: French]
[23 September 1985]

Gabon reaffirms its support for resolution 3068 (XXVIII) relating to the International Convention on the Suppression and Punishment of the Crime of Apartheid, just as it has always firmly supported the struggle against the difficult problem of racial discrimination and the violation of human rights and fundamental freedoms, since all these questions are closely interrelated.

However, with regard to more specific cases of the implementation of this Convention, to which our country is a party, we need hardly recall the great importance that the Gabonese authorities attach to these provisions, which undeniably constitute an encouraging legal framework for the search for ways to eradicate the crime of apartheid completely in the near future.

The position of the Gabonese authorities on this point remains consistent. It is first of all based on the unequivocal condemnation of all friendly countries co-operating with the racist, criminal régime of South Africa in different areas.

In keeping with this position, Gabon scrupulously respects the trade embargo against South Africa.

Irrefutable proof of this position is found in a report on secret oil deliveries to South Africa during 1981-1982 prepared by the "Shipping Research Bureau", a Netherlands-based organization whose goal is to denounce violations of the oil embargo against South Africa.

On page 2 of the report it is most clearly indicated that "No company known to be connected with any of the 57 tankers [having transported oil to South Africa] is based in your country, and none of the 57 tankers travelling to South Africa originated in your country; therefore, your country is not mentioned in the report".

The study conducted by the above-mentioned organization therefore provides irrefutable proof of Gabon's behaviour towards countries co-operating with the racist régime of South Africa.

It should also be recalled that Gabon is aware that apartheid and all related acts and practices constitute a crime against humanity and that this scourge is contrary to the norms of international law.

Furthermore, in implementation of article IV of the Convention, the Gabonese Government has decided to direct its efforts towards concrete measures to express its approval of the above-mentioned instruments and to reaffirm its full support for the black community living in southern Africa.

These measures, which are both legislative and statutory in nature and occur at the national and international levels, are the following:

I. AT THE NATIONAL LEVEL

The Gabonese Constitution, in article 1(8), stipulates:

"Any act of racial, ethnic, religious or cultural discrimination and any regionalist propaganda which threatens the internal security of the State or the life of individuals shall be punishable by law."

At the same time, the Gabonese Penal Code laid down by Act No. 21/63 of 31 May 1963 stipulates in article 88: "Anyone who instigates racial, religious or tribal hatred shall be liable to a prison term of six (6) months to five (5) years and a fine of from 24,000 to 250,000 CFA francs".

In the framework of these internal measures, it is also important to mention that Gabon has received 10 refugee students from southern Africa in its territory.

Under Decree No. 01129/PR/MENSJSL of 7 November 1977 concerning the situation of these students, they are exempt from payment of tuition fees and enjoy the same treatment as nationals at Omar Bongo University, in accordance with the principles adopted by the United Nations governing thestatus of refugees. In the same connection, it should be pointed out that they are only required to pay registration fees in the establishments receiving them.

In addition to the above-mentioned measures, the Gabonese media play an important role by broadcasting a series of programmes to sensitize public opinion to the situation constantly prevailing in southern Africa, a part of the African continent where our country maintains excellent relations of friendship and co-operation with most brother countries.

II. AT THE INTERNATIONAL LEVEL

Also aware that any real progress towards the genuine suppression or severe punishment of the crime of apartheid necessarily requires protection of and strict respect for human rights, not only has Gabon always supported the action of the Organization of African Unity (OAU) and the United Nations in this area, but it has also acceded to the major international instruments adopted to that end by those bodies.

In this regard, we would make special mention of the following United Nations instruments:

International Convention on the Suppression and Punishment of the Crime of Apartheid;

Universal Declaration of Human Rights, adopted in 1948;

International Convention on the Elimination of All Forms of Racial Discrimination, adopted on 21 December 1965;

The International Covenants on Economic, Social and Cultural Rights and on Civil and Political Rights, both adopted in 1966.

As part of the same policy, our country has performed the obligations deriving from the United Nations Decade for Action to Combat Racism and Racial Discrimination, proclaimed from 1973 to 1983.

At the regional level, mention should be made of the OAU African Charter on Human and Peoples' Rights adopted at Nairobi on 25 June 1981.

In addition, Gabon is participating in the functioning of the Solidarity Fund instituted by the OAU Liberation Committee. Gabonese participation in the Fund during the period from 1 June 1981 to 31 May 1982 amounted to $US 645,060, out of a total of $US 3,082 million received from the African States as a whole.

It may be of some interest to note that our country distinguished itself during this period by being the third highest contributor after friendly countries such as Algeria ($US 826,477.03) and Zaire ($US 662,922.84).

Finally, Gabon also supports the liberation movements recognized by OAU, especially the African National Congress and the Pan-African Congress.